

HOUSE No. 3848

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen L. DiNatale

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act authorizing the department of fish and game to acquire conservation restrictions in and to
lands owned by the city of Fitchburg.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen L. DiNatale	3rd Worcester
Jennifer L. Flanagan	Worcester and Middlesex
Robert L. Rice, Jr.	2nd Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE DEPARTMENT OF FISH AND GAME TO ACQUIRE CONSERVATION RESTRICTIONS IN AND TO LANDS OWNED BY THE CITY OF FITCHBURG.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the department of fish and game to acquire conservation restrictions in and to lands owned by the city of Fitchburg, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The commonwealth, by and through the department of fish and game in
2 consultation with the division of capital asset management and maintenance, may take, under
3 chapter 79 of the General Laws, or otherwise acquire, and the city of Fitchburg may convey,
4 easements or lesser interests through a conservation restriction under sections 31, 32, and 33 of
5 chapter 184 of the General Laws, for the preservation and protection of wildlife and habitat and
6 passive recreation and consistent purposes, in all or portions of certain parcels of land of said city
7 identified in section 2. The parcels were acquired by said city for water supply purposes .The
8 conservation restriction authorized by this act shall allow for the city to retain the right to use
9 said premises as a potential water supply for the city. Said conservation restriction, if taken and
10 not otherwise acquired, shall be subject to any easement or lesser interest in land held by any
11 person or governmental agency, except for said city, that lawfully exists and is recorded in the
12 appropriate registry of deeds, unless the department of fish and game expressly takes the
13 easement or lesser interest through eminent domain under said chapter 79.

14 SECTION 2. The parcels are identified as follows:

15 All of the lands, including lands under water described as follows:

Land in the City of Fitchburg, Worcester County, Massachusetts, located along Rindge Road, Scott Road, Ashby West Road, and Billings Road, and in the Town of Ashby, Middlesex County, Massachusetts, located along Rindge Road, Mayo Road, Scott Road, Piper Road, Richardson Road, and Crocker Road, being part of the City of Fitchburg's northern drinking water supply watersheds, including the land and water owned by the City of Fitchburg in the Scott's Reservoir, Lovell Reservoir, Falulah Reservoir, Shattuck Reservoir, and Ashby Reservoir (a/k/a Fitchburg Reservoir) watersheds, and specifically excluding the land and water owned by the City of Fitchburg in the Overlook Reservoir, Marshall Reservoir, and Willard Brook Reservoir (a/k/a Ashby Compensating Reservoir and a/k/a Ashby Reservoir).

Being the same land shown on Fitchburg Assessor's Map 59R Lots 1, 2, 3, 4, 5, and 6, Map 60R Lots 8, 8A, 9, 10, 11, 12, 13, 14, 18, 21, 22, 23, 24, 25, 26, and 28, Map 69R Lots 18, 19, 20, 26, 32, 33, 34, 35, and 44, Map 78R Lots 41, 42, 45, 55, 56, 61, 62, 63, 64, 65, and 66, Map S10 Lot 18, and Map S4 Lot 8A.

Also being the same land shown on Ashby Assessor's Map 13 Lots 1.0, 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 23.1, and 23.2, Map 14 Lots 48, 49, 50, and 52.

The land being described in various deeds to the City of Fitchburg and takings by the City of Fitchburg recorded at the Middlesex South District Registry of Deeds ("MSRD"), Worcester North District Registry of Deeds ("WNRD"), and Worcester District Registry of Deeds ("WDRD"), more particularly described as follows:

Land in Ashby:

- Ashby Reservoir takings, MSRD Bk. 3931 Pg. 521, MSRD Bk. 3995 Pg. 281, and MSRD Pg. 4108 Pg. 9, being shown on Plan Sheets A and B, MSRD Pl. Bk. 227 Pl. 22, and Plan Sheets A through D, MSRD Pl. Bk. 234 Pl. 48.

- Ashby Reservoir Co. *et al*, MSRD Bk. 4120 Pg. 598, dated 3/12/1917

- Lulu V. Hapgood, MSRD Bk. 3969 Pg. 582, dated May 20, 1915

- Henry B. Houghton, MSRD Bk. 4053 Pg. 144, dated 5/19/1916, being shown on a plan as "11" and "12", MSRD Pl. Bk. 234 Pl. 49, dated 8/31/1915

- Harry G. Wright, MSRD Bk. 4018 Pg. 113, dated 12/8/1916

- John W. Johnson, MSRD Bk. 4057 Pg. 437, dated 6/8/1916

- Warren S. Bowker, MSRD Bk. 3982 Pg. 325, dated 7/8/1915

- Albert M. Wilder, MSRD Bk. 3969 Pg. 583, dated 5/20/1915

47 · Mary Louise Billings *et al*, MSRD Bk. 4018 Pg. 112, dated 12/8/1915
48 · Mary Louise Billings *et al*, MSRD Bk. 3982 Pg. 322, dated 7/8/1915
49 · Mary Louise Billings, MSRD Bk. 4133 Pg. 364, dated 5/1/1917
50 · Fernando A. Farnsworth, MSRD Bk. 4103 Pg. 597, dated 12/12/1916
51 · Charles W. Russell, MSRD Bk. 4698 Pg. 275, dated 1/30/1924
52 · Charles J. Foster, MSRD Bk. 3969 Pg. 581, dated 5/20/1915
53 · Etta G. Brooks, MSRD Bk. 5256 Pg. 483, dated 7/20/1928
54 · Etta G. Brooks as guardian, MSRD Bk. 5256 Pg. 484, dated 7/20/1928
55 · Joseph L. LeBlanc, MSRD Bk. 5629 Pg. 190, dated 2/27/1932
56 · Lora Page *et al*, MSRD Bk. 4023 Pg. 375, dated 1/6/1916
57 · Minnie S. Page, MSRD Bk. 3982 Pg. 324, dated 7/8/1915
58 · Andrew Salminen, MSRD Bk. 4249 Pg. 84, dated 4/7/1919
59 · Julia A. Goodnow, MSRD Bk. 3982 Pg. 326, dated 7/8/1915
60 · John Piper, MSRD Bk. 3931 Pg. 521, dated 11/27/1914
61 · Anna E. Godding, MSRD Bk. 4053 Pg. 142, dated 5/19/1916
62 · Levi W. Mayo, MSRD Bk. 4053 Pg. 142, dated 5/19/1916, excepting that portion
63 conveyed by the City of Fitchburg to Levi W. Mayo, MSRD Bk. 4058 Pg. 18, dated 6/7/1916,
64 both parcels being shown on a plan as “14” and “15”, MSRD Pl. Bk. 234 Pl. 50, dated 8/31/1915
65 · Curtis W. Huckins, MSRD Bk. 4103 Pg. 596, dated 12/12/1916
66 · Flora L. Chapin, MSRD Bk. 4103 Pg. 597, dated 11/21/1916
67 · Lydia D. Huckins, MSRD Bk. 3931 Pg. 521, dated 11/27/1914, excepting that portion
68 conveyed by the City of Fitchburg to Esther Miner, MSRD Bk. 4267 Pg. 140, dated 6/20/1919
69 · Fred Harper, MSRD Bk. 3982 Pg. 323, dated 7/8/1915
70 · N. Curtis Rublee *et al*, MSRD Bk. 4053 Pg. 146, dated 5/19/1916
71 · Albert J. and Frederick W. Hirsch, MSRD Bk. 5256 Pg. 482, dated 7/20/1928
72 · Fred Taylor, MSRD Bk. 10014 Pg. 175, dated 4/10/1962
73 · Ruth A. Muller, MSRD Bk. 16036 Pg. 11, dated 11/27/1984
74 · M. Irene Salminen, MSRD Bk. 12126 Pg. 623, dated 12/15/1971
75 · M. Irene Salminen, MSRD Bk. 12360 Pg. 233, dated 12/20/1972
76 · Marion A. Gove (f/k/a Derby), MSRD Bk. 10802 Pg. 192, dated 4/26/1965

· Julia F. Gillis, MSRD Bk. 5780 Pg. 279, dated 1/12/1934, excepting that portion conveyed by the City of Fitchburg to the Commonwealth of Massachusetts, MSRD Bk. 11108 Pg. 116, dated 3/7/1966

Land partly in Fitchburg and partly in Ashby:

· Joel T. Whitney *et al*, MSRD Bk. 4805 Pg. 114 and WNRD Bk. 410 Pg. 280, dated 9/12/1924

· Laura D. Ranney, MSRD Bk. 5629 Pg. 188 and WNRD Bk. 494 Pg. 386, dated 1/22/1932

· Raymond G. Morin *et ux*, MSRD Bk. 15655 Pg. 28 and WNRD Bk. 1349 Pg. 325, dated 3/5/1984

· Andrew Riutta *et ux*, MSRD Bk. 4289 Pg. 492 and WNRD Bk. 350 Pg. 599, dated 6/4/1919

· John Shea *et al*, WNRD Bk. 317 Pg. 421, dated 8/27/1915

· William F. Scott, MSRD Bk. 4169 Pg. 567 and WNRD Bk. 339 Pg. 548, dated 10/11/1917

· Nancy Raymond by will, Worcester County Probate #48964, being the same two tracts as conveyed by Polly Raymond to Nancy Raymond, WDRD Bk. 976 Pg. 71, dated 8/10/1866

Land in Fitchburg:

· Werner W. Johnson, WNRD Bk. 858 Pg. 85, dated 4/15/1960

· Frederick W. Hirsch *et al*, WNRD Bk. 784 Pg. 220, dated 2/15/1956

· George Gray, WNRD Bk. 381 Pg. 553, dated 3/7/1922

· Silvio J. Vaillancourt, WNRD Bk. 495 Pg. 25, dated 3/11/1932

· William F. Scott, WNRD Bk. 494 Pg. 428, dated 1/30/1932

· John O. Johnson, WNRD Bk. 494 Pg. 325, dated 1/11/1932

· Commonwealth of Massachusetts, WNRD Bk. 988 Pg. 564, dated 3/28/1966

· Charles H. Gates, WNRD Bk. 389 Pg. 106, dated 8/11/1922

· Henry C. Wehner, WNRD Bk. 392 Pg. 68, dated 11/24/1922

· Garabed Arslanian *et al*, WNRD Bk. 349 Pg. 337, dated 2/14/1919

· Albert J. Hirsch *et al*, WNRD Bk. 338 Pg. 173, dated 4/20/1917

· Mary Louise Sperling, trustee of Ashby Trust, WNRD Bk. 2464 Pg. 113, dated 8/2/1993

· Arline Russo, WNRD Bk. 2464 Pg. 191, dated 8/12/1993

· Sarah E. Haskins, WNRD Bk. 392 Pg. 297, dated 1/13/1923

· Sarah E. Haskins *et al*, WNRD Bk. 392 Pg. 298, dated 1/13/1923

· Sarah E. Haskins, WNRD Bk. 455 Pg. 540, dated 2/25/1928

108 · Charles H. Gates, WNRD Bk. 397 Pg. 228, dated 7/13/1923
109 · J. Calvin Spaulding, WNRD Bk. 379 Pg. 419, dated 11/30/1921
110 · Ernest H. Whitney, WNRD Bk. 675 Pg. 112, dated 8/30/1950
111 · Thomas Chrost *et ux*, WNRD L.C. Cert. # 1256 Doc. #4904-1, dated 3/26/1986
112 · Ernest M. DiGeronimo, WNRD Bk. 1131 Pg. 183, dated 6/24/1974, excepting that
113 portion shown on a plan as “6.06 Acres”, WNRD Plan Bk. 438 Pl. 25, which is subject to an
114 Agricultural Preservation Restriction, WNRD Bk. 5043 Pg. 335
115 · Alva Crocker *et al*, WDRD Bk. 854 Pg. 65, dated 4/14/1871
116 · Abby E. Lane *et al*, WDRD Bk. 854 Pg. 82, dated 6/22/1871
117 · Mary E. Lane *et al*, WDRD Bk. 854 Pg. 84, dated 6/22/1871
118 · Francis Caouette, WNRD Bk. 304 Pg. 449, dated 12/3/1914
119 · Burbank Hospital, WNRD Bk. 339 Pg. 88, dated 6/12/1917
120 · Francis Caouette, WNRD Bk. 462 Pg. 469, dated 1/2/1929
121 · Moses Lafaille, WNRD Bk. 26 Pg. 311, dated 7/18/1888
122 · James A. Goodfellow, WNRD Bk. 26 Pg. 322, dated 7/20/1888
123 · George J. Allen, WDRD Bk. 971 Pg. 356, dated 11/30/1875
124 · Eleazar Davis, WDRD Bk. 971 Pg. 358, dated 11/30/1875
125 · Charles W. Hill, WDRD Bk. 971 Pg. 359, dated 11/30/1875
126 · Aaron Wilkins, WDRD Bk. 999 Pg. 367, dated 11/30/1875
127 · Daniel Works Estate, WDRD Bk. 988 Pg. 144, dated 11/30/1875
128 · Matti Anttila, WNRD Bk. 446 Pg. 655, dated 7/13/1927
129 · Roy Dilling, Jr. *et ux*, WNRD Bk. 1434 Pg. 47, dated 12/9/1985, being shown on a plan
130 as “Parcel A”, WNRD Plan Bk. 285 Pl. 25
131 The parcels described herein are shown on sheets F-2 through F-10 of a booklet of plans on file
132 with the City of Fitchburg’s Engineering Department entitled “Land Plans: Falulah Watershed
133 System of the Fitchburg Water Dept.”, dated Feb. 1943.
134 **SECTION 3.** This act shall take effect upon its passage.